THE HON'BLE MR. JUSTICE S. ANANDA REDDY

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W.P.No. 17851 of 2005

Dated: August 17, 2005

Between:

D.M. Dhanalakshmi,

R/o. Nagari, Chittoor dist.

…Petitioner

and

The Government of A.P.,

School Education Department, rep.by

Its Convener & Regional Joint Director of

School Education, DIET CET – 2005, Hyderabad

And Another

…Respondents

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O R D E R:

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This Writ Petition is filed by the petitioner seeking writ of mandamus declaring the action of the 1st respondent in treating the petitioner as non-local candidate instead of local candidate, and denial of the petitioner to attend the counseling for D.Ed., Course, which was scheduled on 04.07.2005 and 31.07.2005 as illegal, arbitrary and violative of the provisions of Constitution of India; and consequently sought for a direction to the 1st respondent to allot a seat to the petitioner in the 2nd respondent

institution.

2. It is stated that the petitioner is a native of Pudupet, hamlet of Nagari town, Chittoor district. She studied up to 5th Class at Nagari town, but, however, she studied from 6th to 10th class at Government High School, Nediyam, Tiruvallur district of Tamilnadu State. Again after 10th class, she studied her Intermediate in Andhra Pradesh. Thereafter, it is stated that the petitioner appeared for the Common Entrance Examination for admission into D.Ed., Course and obtained a rank. But, however, the petitioner was not allowed to participate in the counseling on the ground that she is neither local nor non-local candidate, perhaps on the premise that she studied from 6th to 10th Class outside the State of Andhra Pradesh. It is further stated that there are 50 seats in the 2nd respondent College, which are taught in Tamil Medium, and in fact, the petitioner obtained 21st Rank among the claimants seeking admission in the Tamil Medium. But, however, the petitioner's claim was rejected by the respondents. Therefore, the petitioner has come up with the present Writ Petition.

3. At the time of hearing, it is contended that though the petitioner is a permanent resident of Andhra Pradesh, her case was not considered either as a local or as a non-local candidate. In any case, for the reason that the petitioner has studied 6th to 10th Class outside the State of Andhra Pradesh, she should not be deprived of allotting a seat. If the petitioner is not entitled to be considered as local candidate, she being a native of Andhra Pradesh entitled to be considered at least as a non-local candidate for allotment of the seats in respect of the unreserved seats. Therefore, the learned counsel sought for appropriate orders.

4. The learned Government Pleader, however, sought to contend that the G.O.Ms.No.35, dated 26.02.1990 dealing with the admission into the Teachers Training course, through CET, provides the Rules as to the eligibility of the candidates, especially under Clause-C of Rule 11(v), with reference to 15% of the Unreserved Seats. As per the said Rule all the candidates are eligible to be declared as non-local candidates, who have resided in the State for a total period of

ten years, excluding the period of study outside the State or either of whose parents have resided in the State for a period of ten years, excluding the period of employment outside the State. But a perusal of the material on record clearly shows that the petitioner as well as her parents are residents of Nagari village, since the time of her birth, though she was outside the State during the period of her study from 6th to 10th Class i.e., for a period of five years. Therefore, she fulfils the requirement of ten years stay in the State of Andhra Pradesh, and hence she is eligible for being considered as a non-local candidate, though not as a local candidate.

5. Under the above circumstances, the Writ Petition is disposed of directing the 1st respondent to consider the claim of the petitioner for allotment of a seat in D.Ed., course in the 2nd respondent College in Tamil Medium, treating her as a non-local candidate by providing a seat under 15% Unreserved seats, if vacant seats are available as on date.

6. The Writ Petition is disposed of accordingly. No costs.

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S.Ananda Reddy, J.

17…08…2005

Note:

Issue copy in two

days (bo)

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